

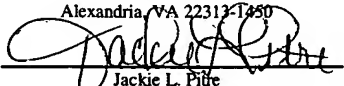


PATENT
5259-10700USO3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/698,049
Confirmation No.: Unknown
Filing Date: October 30, 2003
Inventors: Landry et al.
Title: BONE FASTENER
ASSEMBLY FOR A SPINAL
STABILIZATION SYSTEM

§ Examiner: Unknown
§ Art Unit: Unknown
§ Atty. Dkt. No.: 5259-10703
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<p>CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8</p> <p>DATE OF DEPOSIT: <u>4/2/04</u></p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail on the date indicated above and is addressed to:</p> <p>Commissioner for Patents Alexandria, VA 22313-1450</p> <p> Jackie L. Piffe</p>

FILING OF MISSING PARTS OF APPLICATION

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant encloses:

- (1) Form PTO-1595 Assignment Recordation Cover Sheet (1 page);
- (2) Originally executed Assignment (4 pages);
- (3) Originally executed Declaration (3 pages);
- (4) Election Under 37 C.F.R. §§3.71 and 3.73 and Power of Attorney (2 pages);
- (5) Preliminary Amendment (6 pages);
- (6) Fee Authorization in the amount of \$940.00 (2 pages); and
- (7) A return postcard

04/07/2004 BABRAHA1 00000042 501505 10698049

01 FC:1001 770.00 DA
02 FC:1051 130.00 DA

If an extension of time is required, Applicant hereby respectfully requests the appropriate extension of time. If any fees are omitted, if any additional fees are required, or if any fees have been overpaid, please appropriately charge or credit those fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account Number 50-1505/5259-10703/EBM.

Respectfully submitted,



Eric B. Meyertons
Reg. No. 34,876

Attorney for Applicant

MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
P.O. BOX 398
Austin, TX 78767-0398
(512) 853-8800 (voice)
(512) 853-8801 (facsimile)

Date: 4/2/04

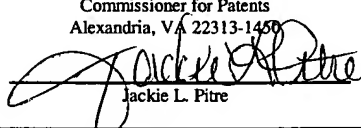


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FEE AUTHORIZATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Commissioner is hereby authorized to charge the following fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account Number 50-1505/5259-10703/EBM:


1. Basic Filing Fee (Utility)	\$770.00
2. Late declaration surcharge	\$130.00
3. Assignment recordation fee	\$40.00

TOTAL AMOUNT: **\$ 940.00**

The Commissioner is also authorized to charge any extension fee or other fees that may be necessary to the same account number.

Inventors: Landry et al.
Appl. Ser. No.: 10/698,049
Atty. Dckt. No.: 5259-10703

Respectfully submitted,



Eric B. Meyertons
Reg. No. 34,876

Attorney for Applicant

MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
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AUSTIN, TX 78767-0398
(512) 853-8800 (voice)
(512) 853-8801 (facsimile)

Date: 4/2/04



DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or the below named inventors believe they are the original, first and joint inventors (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **BONE FASTENER ASSEMBLY FOR A SPINAL STABILIZATION SYSTEM**, the specification of which:

☐ is attached herewith.

☒ was filed on October 30, 2003 as Application Serial No. 10/698,049.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION(S)

			<u>Priority Claimed</u>
N/A			Yes/No
(Number)	(Country)	(Date Filed)	
N/A			Yes/No
(Number)	(Country)	(Date Filed)	

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose all information known to me to be material to the patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56, which become available between the filing date of the prior application and the national or PCT international filing date of this application:

N/A		Pending
(Application Serial No.)	(Filing Date)	(Status)
N/A		Pending
(Application Serial No.)	(Filing Date)	(Status)

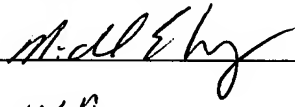
I hereby claim the benefit under title 35, United States code §119(e) of any United States provisional application(s) listed below:

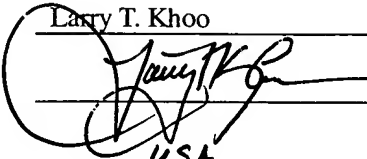
<u>60/422,455</u> (Application Serial No.)	<u>October 30, 2002</u> (Filing Date)
<u>60/466,091</u> (Application Serial No.)	<u>April 28, 2003</u> (Filing Date)
<u>60/471,254</u> (Application Serial No.)	<u>May 16, 2003</u> (Filing Date)

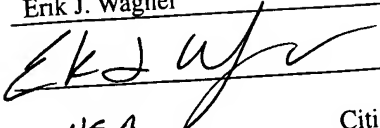
Please address all correspondence in connection with this application to: 1) customer number 35690; and 2)

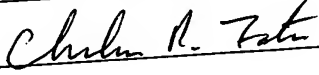
Eric B. Meyertons
MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
P.O. Box 398
Austin, Texas 78767-0398
Ph: (512) 853-8800

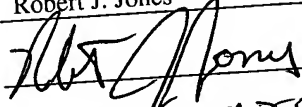
I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Full Name: Michael E. Landry
Inventor's Signature:  Date: 12/16/03
Country of Residence: USA Citizenship: USA
Residence Address: 12602 Brightside St, Austin, TX 78729
(Include number, street name, city, state and zip code)

Inventor's Full Name: Larry T. Khoo
Inventor's Signature:  Date: 12/18/03
Country of Residence: USA Citizenship: USA
Residence Address: 12144 Laurel Terrace, Studio City CA 91604
(Include number, street name, city, state and zip code)

Inventor's Full Name: Erik J. Wagner
Inventor's Signature:  Date: 12.16.03
Country of Residence: USA Citizenship: USA
Residence Address: 16920 SQUAW VALLEY LANE, AUSTIN, TEXAS 78717
(Include number, street name, city, state and zip code)

Inventor's Full Name: Charles R. Forton
Inventor's Signature:  Date: 12/16/03
Country of Residence: UNITED STATES Citizenship: UNITED STATES
Residence Address: 12370 Alameda Trace Circle #1331 Austin, TX 78727
(Include number, street name, city, state and zip code)

Inventor's Full Name: Robert J. Jones
Inventor's Signature:  Date: 12.16.03
Country of Residence: UNITED STATES Citizenship: UNITED STATES
Residence Address: 13125 TROOPS TRAIL, AUSTIN, TEXAS 78727
(Include number, street name, city, state and zip code)

Landry et al.
10/698,049

Gareth Sampson
Chris Thompson
Mark S. Williams

Reg. No. 52,191
Reg. No. 43,188
Reg. No. 50,658

each an attorney or agent of the firm of MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C., as its attorney or agent for so long as they remain with such firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive any Letters Patent, and for one year after issuance of such Letters Patent to file any request for a certificate of correction that may be deemed appropriate.

Pursuant to 37 C.F.R. § 3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to Spinal Concepts, Inc., referenced below, and certify that to the best of my knowledge and belief, title remains in the name of the Assignee.

Please direct all communications as follows:

Eric B. Meyertons, Esq.
MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
P.O. BOX 398
AUSTIN, TEXAS 78767-0398
(512) 853-8800 (voice)
(512) 853-8801 (facsimile)

ASSIGNEE:

SPINAL CONCEPTS, INC.

By: 

Title: *V.P. R&D*

Date: 12-18-03

ASSIGNMENT: x Enclosed for recording